

SCS SB 789 -- DNA PROFILING

This bill changes the laws regarding DNA profiling analysis. In its main provisions, the bill:

(1) Requires a surcharge to be assessed for deposit into the DNA Profiling Analysis Fund in all criminal cases in which the defendant is found guilty except for traffic violations in which the defendant is found guilty of a misdemeanor. Currently, it is assessed in all criminal cases, except traffic violations, in which the defendant pleads guilty or nolo contendere to or is convicted;

(2) Repeals the provision requiring the moneys collected by the surcharge to be deposited into the General Revenue Fund if the state's general revenue did not increase by 2% or more from the previous fiscal year and extends the expiration date of the provisions regarding the assessment of the surcharge from August 28, 2013, to August 28, 2019;

(3) Specifies that the moneys deposited into the DNA Profiling Analysis Fund are to be used by the State Highway Patrol Crime Laboratory for the purposes of the DNA Profiling System. Currently, the moneys must be used for DNA profiling analysis of convicted offender samples;

(4) Requires a DNA sample to be collected from any person found guilty of any felony offense who moves to Missouri under an interstate compact or other reciprocal agreement. Currently, a person who moves to Missouri under an interstate compact or other reciprocal agreement must provide a DNA sample only if the offense committed in the other jurisdiction would be a qualifying offense requiring the collection under Missouri law;

(5) Requires any person subject to DNA collection and profiling analysis to provide a DNA sample at the time of registering as a sexual offender;

(6) Specifies that when a DNA sample is taken from a person at the time of arrest and the prosecutor declines prosecution, the arresting agency must notify the crime laboratory within 90 days of warrant refusal, and the crime laboratory must expunge from the database all DNA records and destroy the DNA sample unless the crime laboratory determines within 30 days that the person is otherwise obligated to submit a DNA sample for any other qualifying offense or arrest that would require a sample to be taken and retained; and

(7) Defines "expunge" as to destroy an individual's DNA sample and remove the DNA record from the state DNA database.